

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.nspto.grv

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/005,753	10/29/2001	Yasuhiro Sakai	3029-74	7298
7	590 07/25/2003			
Lance J. Lieberman, Esq. Cohen, Pontani, Lieberman & Pavane 551 Fifth Avenue, Suite 1210			EXAMINER	
			PRATS, FRANCISCO CHANDLER	
New York, NY	10176		ART UNIT	PAPER NUMBER
	•		1651	

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary The MAILING DATE fthis communication app are on the c ver sheet with the correspondence address —			Applicati n N .	Applicant(s)			
## Deficition Summary Examiner	Offic Action Summary						
Period for Reply A SHORTENED STATUTORY PERIOD FOR REDLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MULLING DATE of this communication and or 37 CR 1.136(s). In no event, however, may a reply be timely filed safer 31% (s) ACMONTHS from the maining date of this communication. If the period for reply pecified above is less than thiny (30) days, a raply within the statution of thirty (20) days, will be considered timely. If the period for reply specified above is less than thiny (30) days, a raply within the statution of thirty (20) days, and the considered timely. The period for reply specified above is less than thiny (30) days, a raply within the statution of thirty (20) days, and the considered timely. The period for reply specified above is less than thiny (30) days, and the statution of thirty (30) days will be considered timely. The period for reply specified above is less than thirty (30) days, and the considered timely. The period for reply specified above is less than the remaining date of this communication, above it fittings (11) days and the considered timely. The period to reply specified above is less than the remaining date of this communication, above it fittings (11) days and the specification is communication (s) filed on 109 June 2003. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Disp sition of Claims 4) Claim(s) 1-28 is/are pending in the application. 4) Claim(s) 1-28 is/are allowed. 5) Claim(s) 1-28 is/are rejected. 7) Claim(s) 1-38 is/are allowed. 6) Claim(s) 1-38 is/are allowed. 10) The drawning(s) filed on 1-38 is/are allowed. 11) The proposed drawing correction filed on 1-38 is/are: all accepted or b) objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. If approved, corrected drawings are required in reply to this Office a				Art Unit			
The MALING DATE If this communication app ars on the c ver sheet with the correspondence address—Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Eatherison for the maybe sensitive under the provisions of 3 CFR 1.136(a). In no went, however, may a reply be timely filed Eatherison for the maybe sensitive under the provisions of 3 CFR 1.136(a). In no went, however, may a reply be timely filed If the pariod for reply specified above is less than thiny (30) days, and pay with the saturory minimum of thinty (30) says will be considered freely. If the pariod for reply specified above is less than thiny (30) days, and pay and vile acples Std, MONTHS from the maling date of this communication. Payor the pariod for reply specified above is less than thiny (30) days, and the application to become ABANCOED (SU U.S.C. § 133). Payor and patent term adjustments. See 37 CFR 1.79(b). Payor the pariod patent term adjustments. See 37 CFR 1.79(b). Payor this action is FINAL. 2b) This action is ron-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parfe Quayle, 1935 C.D. 11, 453 O.G. 213. Disp sitton of Claims 4) Claim(s) 1-26 is/are pending in the application. 4a) Of the above claim (s) 1-19 is/are withdrawn from consideration. 5) Claim(s) 20-26 is/are rejected. 7) Claim(s) 1-16 is/are allowed. 6) Claim(s) 20-26 is/are rejected. 7) Claim(s) 1-16 is/are allowed. 10) The drawing(s) filed on is/are: all accepted or b) blooked to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. If approved, corrected drawings are required in reply to this Office action. 11) The proposed drawing correction filed on is/are: all accepted to by the Graminer. If approved, corrected drawings are required in reply to this Office action. 11) Acknowledgment is made of a claim for foreig							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extracerized of time may be available under the provides of 3 CPR 1.136(a), in no event, however, may a reply be timely filed Extracerized for reply specified above is test but fiting (30) days, a neply which the saturatory infinition for reply specified above is test but fiting (30) days, a neply which the saturatory and the replication for reply specified above is test but fiting (30) days, a neply which the saturatory provided and the replication for reply specified above is the status and provided all specified above is the status and provided all specified to reply will, by status and provided all specified above is the saturatory provided all specified above is the saturatory provided all specified above is the saturatory provided all specified and set of the communication. Finally be reply within the sold or extended period for reply will, by status, cause the specification to become Ashabition (20) all specified and set of the communication. Finally be reply within the sold or status and set the neming day of this communication, over it timely feet, may reduce any search of the communication. This action is FinAL. 2 b) This action is non-final. 2 b) This action is non-final. 3 bisince this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disp sitton of Claims 4) Claim(s) 1-26 is/are pending in the application. 4a) Of the above claim(s) 1-12 is larger withdrawn from consideration. 5 bisince this application is objected to by the Examiner in the application of the developed of the control of the provided of the control of the provided of the control of the provided of the	·	- The MAILING DATE f this communication app					
THE MAILING DATE OF THIS COMMUNICATION. Estatesizes of time may be available under the provisions of 37 CFR 1.13(e). In no event, however, may a reply be timely filed after \$3X, (e) MAXPTS-from the mailing date of this communication. It NO period for reply is specified or the provision of the priority documents have been received in Application No. [1] The provisional application from the International Bureau (PCT Rule 17.2(a)]. See the attached detailed Office action for domestic priority under 35 U.S.C. §							
1) Responsive to communication(s) filed on 09 June 2003. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disp sition of Claims 4) Claim(s) 1-26 is/are pending in the application. 4a) Of the above claim(s) 1-19 is/are withdrawn from consideration. 5) Claim(s)	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any						
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disp sitton of Claims 4) Claim(s) 1-26 is/are pending in the application. 4a) Of the above claim(s) 1-19 is/are withdrawn from consideration. 5) Claim(s) 20-26 is/are rejected. 7) Claim(s) 20-26 is/are rejected to. 8) Claim(s) 20-26 is/are rejected to. Application Papers 9) The specification is objected to by the Examiner. 100 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.							
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disp sition of Claims 4) ○ Claim(s) 1-26 is/are pending in the application. 4a) Of the above claim(s) 1-19 is/are withdrawn from consideration. 5) ○ Claim(s) is/are allowed. 6) ○ Claim(s) 20-26 is/are rejected. 7) ○ Claim(s) is/are objected to. 8) ○ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ○ The specification is objected to by the Examiner. 10) ○ The drawing(s) filed on is/are: a) ○ accepted or b) ○ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) ○ The proposed drawing correction filed on is: a) ○ approved b) ○ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) ○ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) ○ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ○ All b) ○ Some * c) ○ None of: 1. ○ Certified copies of the priority documents have been received in Application No. 2. ○ Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) ○ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachm nt(s)	·						
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disp sition of Claims 1-26 is/are pending in the application.	. '=	<i>,</i>					
A) Sciam(s) 1-26 is/are pending in the application. 4a) Of the above claim(s) 1-19 is/are withdrawn from consideration. 5) Sciam(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachm πt(s) Notice of References Cited (PTO-892) 2) Notice of References Cited (PTO-982)							
4a) Of the above claim(s) 1-19 is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) ☒ Claim(s) 20-26 is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) □ The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) □ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☒ All b) □ Some * c) □ None of: 1. ☒ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachm nt(s) 1 ⋈ Notice of References Cited (PTO-892) □ Notice of Informal Patent Application (PTO-152)	Disp sitio		Ex parte Quayre, 1955 C.D. 11, 4	33 O.G. 213.			
5) ☐ Claim(s) is/are allowed. 6) ☒ Claim(s) is/are objected to. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) ☐ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☒ All b) ☐ Some * c) ☐ None of: 1. ☒ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) ☐ The translation of the foreign language provisional application has been received. 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	4)⊠ Claim(s) <u>1-26</u> is/are pending in the application.						
6) Claim(s) 20-26 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some *c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	4a) Of the above claim(s) <u>1-19</u> is/are withdrawn from consideration.						
7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	5) Claim(s) is/are allowed.						
8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	6)⊠ Claim(s) <u>20-26</u> is/are rejected.						
Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) ☐ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☒ All b) ☐ Some * c) ☐ None of: 1. ☒ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application). a) ☐ The translation of the foreign language provisional application has been received. 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachm nt(s) 1) ☒ Notice of References Cited (PTO-892) 2) ☐ Notice of Informal Patent Application (PTO-152)	7)	Claim(s) is/are objected to.					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) ☐ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☒ All b) ☐ Some * c) ☐ None of: 1. ☒ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) ☐ The translation of the foreign language provisional application has been received. 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachm nt(s) 1) ☒ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)	·						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachm nt(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s)	9) The specification is objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachm nt(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s)							
If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some colonge of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachm nt(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). Interview Summary (PTO-413) Paper No(s). 5) Notice of Informal Patent Application (PTO-152)							
12) ☐ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) ☐ The translation of the foreign language provisional application has been received. 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachm nt(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)	· · ·						
Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachm nt(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	If approved, corrected drawings are required in reply to this Office action.						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachm nt(s) 1 Notice of References Cited (PTO-892) 2 Notice of Draftsperson's Patent Drawing Review (PTO-948) 5 Notice of Informal Patent Application (PTO-152)	12)☐ The oath or declaration is objected to by the Examiner.						
a) ⊠ All b) ☐ Some * c) ☐ None of: 1. ☑ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) ☐ The translation of the foreign language provisional application has been received. 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachm nt(s) 4) ☐ Interview Summary (PTO-413) Paper No(s) 10 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Priority under 35 U.S.C. §§ 119 and 120						
1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) ☐ The translation of the foreign language provisional application has been received. 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachm nt(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 1 ☐ Interview Summary (PTO-413) Paper No(s)	13)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) ☐ The translation of the foreign language provisional application has been received. 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachm nt(s) 1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)	a)⊠ All b)□ Some * c)□ None of:						
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachm nt(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)	1. Certified copies of the priority documents have been received.						
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachm nt(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 1 Interview Summary (PTO-413) Paper No(s). Notice of Informal Patent Application (PTO-152)	2	2. Certified copies of the priority documents have been received in Application No					
a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachm nt(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s). Notice of Informal Patent Application (PTO-152)	application from the International Bureau (PCT Rule 17.2(a)).						
15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachm nt(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152)	14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
Attachm nt(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)	Attachm nt(s)						

Art Unit: 1651

DETAILED ACTION

The amendment filed June 9, 2003, has been received and entered.

Claims 24-26 have been added.

Claims 1-26 are pending.

Election/Restrictions

Applicant's election of the group II invention, claims 20-23, the species wherein the nitrite reducer is sulfamic acid, in Paper No. 5, filed June 9, 2003, is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 1-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. As discussed immediately above, election was made without traverse in Paper No. 5, filed June 9, 2003.

Claims 20-26 are examined on the merits to the extent they read on the elected species.

Application/Control Number: 10/005,753

Art Unit: 1651

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20, 21, 24 and 25 are rejected under 35
U.S.C. 102(b) as being anticipated by Cockrell et al (U.S. Pat. 4,877,459).

Cockrell discloses a cleaning composition comprising sulfamic acid in combination with citric acid (which has a dissociable proton with a pKa of 3.06, and itself can be used as a buffer) and a buffer component which may be sodium acid pyrophosphate (which includes a moiety with a pKa of 1.96) or monosodium phosphate (which includes a moiety with a pKa of 2.12), wherein the buffer is used to maintain a pH of 1 to 5. See column 5, line 31 through column 6, line 8. Because Cockrell discloses a composition containing the claimed ingredients at the claimed pH, a holding of anticipation is required.

It is noted that Cockrell's composition is intended for use as a cleaner, rather than the claim-specified diluent for

Art Unit: 1651

bacterial strain. However a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See In re Casey, 152 USPQ 235 (CCPA 1967) and In re Otto, 136 USPQ 458, 459 (CCPA 1963). In the instant case, based on the presence of the claimed ingredients in a solution having the claimed pH, the prior art composition clearly can be applied to the claimed intended use.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a),

Application/Control Number: 10/005,753

Art Unit: 1651

the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 20, 22, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cockrell et al (U.S. Pat. 4,877,459) in view of Carrie et al (U.S. Pat. 5,912,219).

As discussed above Cockrell discloses a cleaning composition comprising sulfamic acid in combination with citric acid (which has a dissociable proton with a pKa of 3.06, and itself can be used as a buffer) and a buffer component which may be sodium acid pyrophosphate (which includes a pKa of 1.96) or monosodium phosphate (which includes a pKa of 2.12), wherein the buffer is used to maintain a pH of 1 to 5. Cockrell discloses that his acidic cleaning compositions require a surfactant component. See column 6, lines 15 and 16.

However ,Cockrell differs from claims 22, 23 and 26 in that Cockrell does not disclosing the use of the claimed cationic surfactants in the disclosed composition. However, Carrie clearly discloses that quaternary ammonium compounds having formulae encompassing the claimed compounds are suitable, even "preferred," for use in acidic cleaning compounds of the type

Application/Control Number: 10/005,753

Art Unit: 1651

disclosed in Cockrell. Thus, the artisan of ordinary skill, recognizing from Carrie the suitability of quaternary ammonium compounds in acidic cleaning compositions, clearly would have been motivated to have employed the quaternary ammonium compounds of Carrie as the surfactant component in Cockrell's

compositions. A holding of obviousness is therefore required.

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Francisco C Prats whose telephone number is 703-308-3665. The examiner can normally be reached on Monday through Friday, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Wityshyn can be reached on 703-308-4743. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Francisco C Prats Primary Examiner Art Unit 1651 Page 6

FCP July 24, 2003